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The Honorable J. Richard Creature

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
TERRY L. EZELL,
Defendant.

NO. MJ21-200

COMPLAINT FOR VIOLATION

Title 18, United States Code,
Section 922(g)(1)

Before J. Richard Creatura, United States Magistrate Judge, U.S. Courthouse,
Tacoma, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Felon in Possession of a Firearm)

On or about April 7, 2021, at Seattle, Washington, within the Western District of Washington, TERRY EZELL, knowing he had previously been convicted of crimes punishable by imprisonment for a term exceeding one year, to wit:

a. *Possession of Cocaine Base, in the form of Crack Cocaine, with the Intent to Distribute, and Felon in Possession of a Firearm – Armed Career Criminal*, on or about July 11, 2008, in the United States District Court for the Western District of Washington, Case No. CR05-273 RSM.

1 did knowingly possess, and did aid and abet the possession of, in and affecting interstate
 2 and foreign commerce, firearms, that is, a Ruger Model P95DC, 9 mm parabellum caliber
 3 pistol, with obliterated serial number, which had been shipped and transported in
 4 interstate and foreign commerce.

5 All in violation of Title 18, United States Code, Sections 922(g)(1) and 2.
 6

7 And the complainant states that this Complaint is based on the following
 8 information:

9 I, SHAWNA MCCANN, being first duly sworn on oath, depose and say:

10 **I. INTRODUCTION AND AGENT BACKGROUND**

11 1. I am employed as a Special Agent (SA) with the Federal Bureau of
 12 Investigation (FBI) and have been employed with the FBI since September 2017. I am
 13 currently assigned to the Seattle Field Division where I am a member of the violent
 14 crime, gang, and Transnational Organized Crime – Western Hemisphere squad. In this
 15 capacity, I investigate, inter alia, violations of the Controlled Substance Act, Title 21,
 16 United States Code, Section 801 et seq., and related offenses. I have received specialized
 17 training in the enforcement and investigation of the Controlled Substance Act. I have
 18 received over 400 hours of classroom training including, but not limited to, drug
 19 identification, drug interdiction, money laundering techniques and schemes, smuggling,
 20 and the investigation of individuals and/or organizations involved in the illegal
 21 possession, possession for sale, sales, importation, smuggling, manufacturing, and
 22 trafficking of controlled substances.

23 2. In my role as a Special Agent for the FBI, I have participated in narcotics
 24 investigations (e.g., heroin, cocaine, marijuana, and methamphetamine) that have resulted
 25 in the arrest of individuals and the seizure of illicit narcotics and/or narcotics-related
 26 evidence and the forfeiture of narcotics-related assets. I have been involved in the service
 27 of federal and state search warrants as part of these investigations. I have encountered
 28 and have become familiar with various tools, methods, trends, paraphernalia, and related

1 articles utilized by various traffickers in their efforts to import, export, conceal, and
2 distribute controlled substances. I am also familiar with the manner in which drug
3 traffickers use telephones, often cellular telephones, to conduct their unlawful operations,
4 and how they code their conversations to disguise their unlawful activities. I am also
5 familiar with the various methods of packaging, delivering, transferring, and laundering
6 drug proceeds. Additionally, through my training and experience, I can identify illegal
7 drugs by sight, odor, and texture.

8 3. I have also worked on drug investigations involving the use of court-
9 authorized wiretaps under Title III. In that capacity, I have had the opportunity to
10 monitor, listen to, and review transcripts and line sheets (prepared by linguists)
11 documenting the content of hundreds of intercepted conversations involving the
12 trafficking of cocaine, methamphetamine, heroin, and other narcotics, by persons who
13 used some form of code to attempt to thwart law enforcement detection. I have also
14 interviewed defendants at the time of their arrest and have debriefed, spoken with, and/or
15 interviewed numerous drug dealers or confidential sources (informants) at proffer and
16 field interviews who were experienced in speaking in coded conversation over the
17 telephone. From these interviews, and also from discussions with other experienced
18 agents, I have gained knowledge regarding the various methods, techniques, codes,
19 and/or jargon used by drug traffickers in the course of their criminal activities, including
20 their use of firearms to protect their narcotics-related activities and of cellular telephones
21 and other electronic means to facilitate communications while avoiding law enforcement
22 scrutiny.

23 4. I have written affidavits in support of court-authorized federal warrants and
24 orders in the Western District of Washington for GPS tracking of telephones, Pen
25 Register/Trap and Trace, and search warrants. Additionally, I have testified in grand jury
26 proceedings, written investigative reports, and conducted and participated in numerous
27 interviews of drug traffickers of various roles within drug organizations, which has
28

1 provided me with a greater understanding of the methods by which drug trafficking
2 organizations operate.

3 5. I am an investigative law enforcement officer of the United States within
4 the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to conduct investigations
5 of, and to make arrests for, violations of the Controlled Substance Act, Title 21, United
6 States Code, Section 801 *et seq.*, and related offenses.

7 6. The facts set forth in this Affidavit are based on my own personal
8 knowledge; knowledge obtained from other individuals during my participation in this
9 investigation, including other law enforcement personnel; review of documents and
10 records related to this investigation; communications with others who have personal
11 knowledge of the events and circumstances described herein; and information gained
12 through my training and experience. Because this Affidavit is submitted for the limited
13 purpose of establishing probable cause to believe that Defendant committed the crime set
14 forth herein, this document does not contain all of my knowledge of the larger
15 investigation.

16 II. PURPOSE OF AFFIDAVIT

17 7. This Affidavit is made in support of a Complaint against TERRY L.
18 EZELL for one count of *Felon in Possession of a Firearm*, in violation of Title 18,
19 United States Code, Sections 2, 922(g)(1).

20 III. SUMMARY OF PROBABLE CAUSE

21 8. I, together with other agents and officers of the FBI, the Seattle Police
22 Department (SPD), and other agencies have been conducting an investigation of a large
23 Drug Trafficking Organization (DTO) which was believed to be distributing significant
24 amounts of cocaine, crack cocaine, marijuana, and other controlled substances in the
25 Western District of Washington. During the course of the investigation, law enforcement
26 obtained judicial authorization to intercept a number of cellular telephones used by
27 members of the DTO.

1 9. On March 31, 2021, agents obtained search warrants for multiple locations,
 2 vehicles, and individuals in connection with this investigation. These warrants included
 3 search warrants for two locations in Seattle, Washington, where TERRY EZELL was
 4 believed to reside, and one search warrant for TERRY EZELL's person.

5 10. On April 7, 2021, the FBI and other law enforcement agencies executed the
 6 search warrants described above. When agents searched one of the locations, an
 7 apartment located on East James Street in Seattle, Washington, they found EZELL and
 8 his girlfriend inside. In a bedroom in the apartment that appeared to belong to the
 9 girlfriend's young children (who were not in the apartment at the time), agents found a
 10 Ruger Model P95DC, 9 mm parabellum caliber pistol, with obliterated serial number.
 11 The girlfriend told agents that the pistol does not belong to her, and that she did not know
 12 how it had gotten into her apartment.

13 11. The recovered pistol has a silver slide and black grip and is visually similar
 14 to a gun that EZELL can be seen holding in surveillance footage from January 7, 2021.
 15 Prior to executing the warrant at the East James Street apartment, agents conducted law
 16 enforcement database checks on the address and EZELL's girlfriend and located a Seattle
 17 Police Department incident report from January 7, 2021. In this incident report, a male
 18 reported that EZELL's girlfriend was with her current boyfriend, who is known as "T."
 19 The reporting party told officers that "T" had attempted to instigate a confrontation with
 20 the reporting party outside of the reporting party's residence. The reporting party saw that
 21 "T" had a pistol in his hand and was pointing it at the reporting party. The reporting party
 22 immediately went inside the reporting party's apartment building. "T" walked to the
 23 door, brandishing the pistol and challenging the reporting party to come outside. The
 24 reporting party stayed inside his apartment and called 911.

25 12. The responding officers were able to obtain apartment building security
 26 camera footage of the January 7, 2021, incident. Agents have also obtained and reviewed
 27 a copy of this surveillance footage, which provides a close up and clear view of the
 28 events described below. The footage shows the reporting party running into the building,

1 followed by a male holding and brandishing a firearm in his right hand in a threatening
 2 manner. Agents have identified the male with the firearm as EZELL, based on a
 3 comparison to his driver's license photograph. The firearm in the video footage appears
 4 to be a medium framed, semi-automatic pistol, with a black frame and silver/gray colored
 5 slide, similar to the gun recovered from the East James Street apartment.

6 13. I have examined the National Crime Information Center criminal history
 7 for EZELL and court documents, and I have been able to confirm that EZELL has been
 8 convicted of the following felony crime as an adult, among others not detailed here:
 9 *Possession of Cocaine Base, in the form of Crack Cocaine, with the Intent to Distribute,*
 10 *and Felon in Possession of a Firearm – Armed Career Criminal*, sentenced on or about
 11 July 11, 2008, in the United States District Court for the Western District of Washington,
 12 Case No. CR05-273 RSM. Both of these crimes were punishable by a term of
 13 imprisonment exceeding one year, and EZELL received sentences of 262 months on both
 14 counts.

15 14. The Judgment in Case No. CR05-273 was amended on July 25, 2008 to
 16 reflect that the sentences on both counts were to run concurrently. On January 10, 2020,
 17 after the passage of the First Step Act, the Judgment was further amended to a sentence
 18 for time served.

19 15. Terry Ezell is currently on federal supervised release in connection with the
 20 convictions described above.

21 16. ATF Special Agent Catherine Cole, certified Interstate Firearms and
 22 Ammunition Nexus Expert, who has been trained in the recognition of firearms and
 23 ammunition and their origin of manufacture, has reviewed photographs of the pistol
 24 recovered from the residence, which include information regarding the manufacturer,
 25 model, and serial number. According to SA Cole, the firearm meets the federal definition
 26 of a firearm, and the firearm was not manufactured in the State of Washington.
 27 Therefore, because the firearm was recovered in this District, it was necessarily shipped
 28 or transported in interstate or foreign commerce.

IV. CONCLUSION

17. Based on the above facts, I respectfully submit that there is probable cause to believe that TERRY EZELL did knowingly and intentionally commit the crime of *Felon in Possession of a Firearm*, in violation of Title 18, United States Code, Sections 922(g)(1) and 2.


Shawna McCann, Complainant
Special Agent, FBI

Based on the Complaint and Affidavit, to which the above-named agent provided a sworn statement by telephone attesting to the truth of the contents of such, the Court hereby finds that there is probable cause to believe the Defendant committed the offense set forth in the Complaint.

Dated this 7th day of April, 2021.

J. Richard Creatura
The Honorable J. Richard Creatura
United States Magistrate Judge